THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.26581 OF 2005

Dated:25.01.2006

BETWEEN

Smt.N.Umarani

….PETITIONER

AND

The Joint Collector-II, Ranga Reddy District, Khairatabad, Hyderabad 500 004 and others.

….RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.26581 OF 2005

ORDER:

The petitioner filed the instant writ petition assailing the order, dated 08.11.2005, in Case No.F1/7683/2003 passed by the first respondent herein. The petitioner seeks a writ of Mandamus setting aside the impugned order and for a consequential direction to the second respondent to issue Occupancy Rights Certificate (ORC) in favour of the petitioner.

The case of the petitioner in brief is as follows. The petitioner allegedly purchased land admeasuring Acs.3.00 in Survey No.284 situated at Kongara Khurd-A village of Maheswaram Mandal in Ranga Reddy District from one Kudumula Yadaiah on 08.08.1996 for a sale consideration of Rs.25,000/-. Kudumula Yadaiah appears to have purchased the land from one Aleti Nagaiah, Jangaiah and Pentaiah, who were the inamdars. As it is an inam land, the petitioner's vendor did not register the sale deed, as he did not obtain any ORC. After purchase of the land, the petitioner filed an application before the second respondent-cum-Inams Tribunal for grant of ORC. The second respondent by proceedings, dated 24.02.2003, issued ORC in favour of the petitioner in respect of the land admeasuring Acs.3.00 in Survey No.284 situated at Kongara Khurd-A village of Maheswaram Mandal in Ranga Reddy District. Aggrieved by the same, the respondents 3 to 16 filed an appeal under Section 24 of A.P. (Telengana Area) Abolition of Inams Act, 1955 (the Act, for brevity) before the first respondent, who by the impugned order set aside the ORC granted by the second respondent in favour of the petitioner and remanded the matter to the second respondent for *de novo* enquiry.

The learned counsel for the petitioner strenuously contended that the petitioner's vendor purchased the property from original inamdars and being successor in interest, the petitioner is entitled to maintain an application for ORC under Rule 5 of A.P. (Telengana Area) Abolition of Inams Rules, 1975 (the Rules, for brevity). **Per contra**, the learned Assistant Government Pleader for Revenue (General) submits that after coming into force of the Act, the inam land absolutely vests in the Government and unless and until an inamdar, a protected tenant or non-protected tenant is conferred the title by issue of ORC, such inamdar cannot alienate the property to a third party and that such third party cannot maintain an application

before the Revenue Divisional Officer. He places reliance on Section 11 of the Act in respect of the contention that if any right by way of a lease or otherwise is created before the date of vesting, such transaction will be valid and enforceable against the Government, provided said transaction was not void or illegal under any law. He further submits that unless and until an inamdar is in possession of land as on the date of vesting, and unless and until such inamdar is personally cultivating, he is not entitled to ORC.

In this case, the petitioner relies on an unregistered sale deed/sale document allegedly executed by Kudumula Yadaiah on 08.08.1996. Kudumula Yadaiah is not an original inamdar, but he himself purchased the land from inamdars prior to 1996. Therefore, the sale in favour of the petitioner under an unregistered deed is illegal and void. Secondly, no material is placed before this Court to show that the original inamdars were in possession of the land in question as on the date of coming into force of the Act or as on the date of vesting i.e., 01.11.1973. In the absence of any proof that the inamdars had any title to alienate the land to Kudumula Yadaiah, who could not have transferred a proper title to the petitioner. For all these reasons, Joint Collector came to the conclusion that it is not clear whether the vendor had a valid ORC at the time of sale and accordingly, remanded the matter to the second respondent for *de novo* enquiry.

After giving anxious consideration to the submissions made by the learned counsel and perusing the material placed on record, this Court finds that the impugned order of the first respondent does not suffer from any infirmity or illegality. The petitioner may approach the second respondent and produce the necessary material in respect of her claim that she is a successor in interest entitled to maintain an application as per Rule 5 of the Rules. The second respondent is directed to dispose of the matter within a period of six weeks from the date of receipt of a copy of this order, if not already disposed of.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

25.01.2006

VGB